

AMENDED IN SENATE APRIL 21, 2005

**SENATE BILL**

**No. 620**

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**Introduced by Senator Speier**

February 22, 2005

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An act to add Section 5012 to the Penal Code, and to add Section 1710.5 to the Welfare and Institutions Code, relating to correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 620, as amended, Speier. Youth and adult facilities: random testing and searches.

Existing law provides that the Secretary of the Youth and Adult Corrections Agency has the power of general supervision over, and is directly responsible to the Governor for, the Department of Corrections and the Department of the Youth Authority.

This bill would require the secretary to require that every person who enters the property of the Department of Corrections and the Department of the Youth Authority *or a privately operated correctional facility* be subject to random ~~drug detection testing and~~ searches for weapons and contraband. The bill would also require the secretary to develop and implement a uniform protocol for implementing this policy.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5012 is added to the Penal Code, to  
2 read:

1     5012. (a) The Secretary of the Youth and Adult Correctional  
2     Agency shall require that every person who enters property of the  
3     Department of Corrections or a ~~private vendor~~ *privately operated*  
4     *correctional facility* be subject to random ~~drug detection testing~~  
5     and searches for weapons and contraband.

6     For purposes of this subdivision “every person” means  
7     custodial staff, noncustodial staff, visitors, vendors, state  
8     officials, and all other persons authorized to enter these facilities.

9     (b) The secretary shall develop and implement a uniform  
10    protocol for random ~~drug detection testing~~ and searches, to be  
11    applied consistently at all state operated and privately operated  
12    facilities housing state inmates and wards including prisons, and  
13    other facilities over which the Department of Corrections has  
14    jurisdiction, in order to carry out the requirements of subdivision  
15    (a). The protocol shall identify the method and frequency by  
16    which ~~drug detection testing~~ and searches will be conducted. The  
17    protocol shall include the necessary training for all departmental  
18    personnel who will be conducting lawful ~~drug detection tests~~ and  
19    searches of another person. No departmental personnel shall  
20    conduct a ~~drug detection test~~ or search another person prior to  
21    receiving all necessary training required by this subdivision.

22    (c) This section shall not be construed to limit the ability of  
23    departmental staff to conduct any other type of ~~drug detection~~  
24    ~~test~~ or search currently being conducted or administered,  
25    including mandatory searches of inmates and persons visiting  
26    inmates. Imposition of liability, equitable relief, or money  
27    damages in a civil proceeding shall not be based solely on a  
28    failure to comply with the uniform protocol.

29    SEC. 2. Section 1710.5 is added to the Welfare and  
30    Institutions Code, to read:

31    1710.5. (a) The Secretary of the Youth and Adult  
32    Correctional Agency shall require that every person who enters  
33    the property of a Youth Authority facility operated by the state or  
34    a ~~private vendor~~ be subject to random ~~drug detection testing~~ and  
35    *a private operator be subject to random* searches for weapons  
36    and contraband.

37    For purposes of this subdivision “every person” means  
38    custodial staff, noncustodial staff, visitors, vendors, state  
39    officials, and all other persons authorized to enter these facilities.

1 (b) The secretary shall develop and implement a uniform  
2 protocol for random ~~drug detection testing and~~ searches, to be  
3 applied consistently at all state operated and privately operated  
4 facilities housing wards including ranches, camps, schools,  
5 institutions, centers, treatment facilities, and other facilities over  
6 which the Youth Authority has jurisdiction, in order to carry out  
7 the requirements of subdivision (a). The protocol shall identify  
8 the method and frequency by which ~~drug detection testing and~~  
9 searches will be conducted. The protocol shall include the  
10 necessary training for all departmental personnel who will be  
11 conducting lawful ~~drug detection tests and~~ searches of another  
12 person. No departmental personnel shall conduct a ~~drug detection~~  
13 ~~test or~~ search another person prior to receiving all necessary  
14 training required by this subdivision.

15 (c) This section shall not be construed to limit the ability of  
16 departmental staff to conduct any other type of ~~drug detection~~  
17 ~~test or~~ search currently being conducted or administered,  
18 including mandatory searches of wards and persons visiting  
19 wards. Imposition of liability, equitable relief, or money damages  
20 in a civil proceeding shall not be based solely on a failure to  
21 comply with the uniform protocol.